



**INSIDE**  
Go! Magazine  
Arts & entertainment magazine



**SPORTS A6**  
Baker High to host district basketball tournament

# Baker City Herald

IN THIS EDITION: LOCAL • BUSINESS & AG LIFE • SPORTS Serving Baker County since 1870 • bakercityherald.com THURSDAY, FEBRUARY 17, 2022 • \$1.50

**QUICK HITS**

**Good Day Wish To A Subscriber**

A special good day to Herald subscribers Larry and Pam Morrison of Baker City.

**BRIEFING**

**Two local students on dean's list at University of Idaho**

MOSCOW, Idaho — Two local students were among those named to the dean's list for the fall 2021 semester at the University of Idaho.

Samuel Hamilton of Baker City, who is majoring in business, and Alonda Ibarra of North Powder, who is majoring in psychology and communication, as well as culture, society and justice, earned a GPA of at least 3.5 while taking a minimum of 12 graded credits.

**'Night at Old Auburn' scheduled Feb. 26**

The Baker Heritage Museum is bringing back its annual "A Night at Old Auburn" fundraiser on Saturday, Feb. 26 at the Baker Elks Lodge, 1896 Second St.

Dinner begins at 6 p.m., followed by gambling games and bingo at 7 p.m. Tickets for dinner are \$40. Entrance tickets (no dinner) are \$15. Tickets are available until Feb. 18 at the Baker Heritage Museum, 2480 Grove St., Monday through Friday, 10 a.m.-3 p.m. These can also be purchased online at [www.friendsofbakerheritagemuseum.com](http://www.friendsofbakerheritagemuseum.com).

Those who wish to support the museum but not attend the event can purchase dinner tickets and pick up the meal that night.

**WEATHER**

**Today**  
38/16  
Partly cloudy

**Wednesday**  
41/19  
Mostly sunny

**Full forecast on the back of the B section.**

The space below is for a postage label for issues that are mailed.



Samantha O'Conner/Baker City Herald

**Baker City has cited Lucas Gwin for violating the city's property maintenance ordinance more than half a dozen times over the past seven years related to accumulations of trash and other items at 1975 Birch St.**

## City explores options for 'nuisance' property

**Owner appeals court ruling for home where trash, odors, mice have prompted neighbor complaints**

BY JAYSON JACOBY  
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The owner of a home in east Baker City that's the first property in town to be deemed a "chronic neighborhood nuisance" under a city ordinance due to accumulations of trash and other factors is appealing the Jan. 11 judgment from Justice of the Peace Brent Kerns.

Lucas Buddy Lee Gwin owns the home at 1975 Birch St., at the corner of Birch Street and Washington Avenue. Baker City's code enforcement officer, Brian LaFavor, cited Gwin, 33, on Dec. 9, 2021, under the city's property maintenance ordinance, 97.01.

Four times in the past four years, most recently in April 2021, Baker City paid to remove trash and other debris from Gwin's property.

But Ty DUBY, Baker City Police chief, said that not long after that work, items started to accumulate again on the property, and the city received multiple complaints from residents in the area.

In March 2019 the City Council, motivated in part by the city's previous efforts to clean up Gwin's property, approved a revised version of the prop-

erty maintenance ordinance that adds the chronic neighborhood nuisance designation.

Duby said that revised ordinance was not added to the roster of ordinances on the city's website.

However, he said residents who live near Gwin pointed out to DUBY that the ordinance had been revised, and that it gives the Baker County Justice Court Judge the authority to block people, including the owners, from properties deemed chronic neighborhood nuisances.

After LaFavor cited Gwin on Dec. 9, 2021, the city asked Justice of the Peace Brent Kerns to declare the property as a chronic neighborhood nuisance.

In an order dated Jan. 11, 2022, Kerns wrote that as of Jan. 5, Gwin's property was a chronic neighborhood nuisance. Kerns also wrote that the home is "unsafe."

Kerns determined that the condition of the property met six of the seven criteria in the revised ordinance, including that the property does not have city water and sewer service and that it has a history of property maintenance code violations.

The property has not been closed to entry.

Gwin filed an appeal to Kerns' ruling in a document dated Jan. 19, 2022. The appeal was filed in Baker County Circuit Court, where it is pending.

Gwin declined to comment on the situation.

Although the city's 2019 update to the property maintenance ordinance states that people, including the owner, can be banned from entering properties deemed chronic neighborhood nuisances, City Manager Jonathan Cannon said he's not convinced, since there is no precedent locally, that the city can legally enforce that aspect of the ordinance.

Cannon said there is a "delicate balance" between protecting private property rights, including the ability for the owner to even enter the property, while also ensuring that the property owner's use isn't harming neighbors.

As an alternative, DUBY said the city plans to pursue a different legal avenue — potentially declaring the home an unsafe structure.

DUBY said the city's building official can declare a building unsafe and thus not inhabitable.

DUBY said he plans to present an affidavit to Baker County Circuit Court listing the reasons he believes Gwin's home is unsafe to occupy, and ask Judge Matt Shirlcliff to grant an administrative search warrant to allow the city to determine the condition of the home.

Ultimately, he said, the city could board up the home to prevent entry. Access to the property would still be open to allow for the removal of debris, he said.

## School board chooses 3 finalists to replace Witty

Baker City Herald  
Local residents will have a chance next week to meet the three finalists to replace Mark Witty as superintendent of the Baker 5J School District.

The school board, along with employees from the district and members of the district's budget committee and bond oversight committee, interviewed candidates last week.

During an executive session meeting on Tuesday, Feb. 15, the board chose Erin Lair, David Marshall and William Schidbach as the three finalists.

The trio will return to Baker City for a second set of interviews next week.

See, **School**/Page A3

## Utah man sentenced for 2021 high-speed chase

BY JAYSON JACOBY  
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A Utah man who led an Oregon State Police trooper on a high-speed chase last spring and then tried to elude on foot was sentenced on Monday, Feb. 14, after pleading guilty to three charges in Baker County Circuit Court.

Clayton Ted Snell, 37, of Sandy, Utah, pleaded guilty to fleeing or attempting to elude a police officer, which is a Class C felony, as well as misdemeanor charges of reckless driving and driving under the influence of intoxicants.

Judge Matt Shirlcliff sentenced Snell to 20 days in jail and 18 months of supervised probation, and suspended his driver's license for one year.

Snell also was fined \$1,000 for the DUII conviction.

Two other counts, one for fleeing or attempting to elude, and one for criminal mischief, were dismissed in a plea agreement with the district attorney's office.

See, **Nuisance**/Page A3

See, **Chase**/Page A3

## 5 file for county commission positions

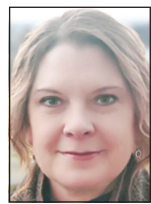
**3 seeking chairman job, 2 file for part-time position**

BY SAMANTHA O'CONNOR  
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The list of candidates is getting longer for Baker County Commissioner positions on the May 17 primary election ballot.

So far three people are seeking to replace Bill Harvey as chairman of the three-member Baker County Board of Commissioners. Harvey, who is the only full-time commissioner, is not seeking reelection, and his current four-year term ends Dec. 31, 2022.

The three registered candidates for Harvey's job — Po-



Witham



Justus



Alderson



Johnson



Garrick

sition 3 — are all Baker City residents.

Joe Johnson filed on Jan. 11, Dan Garrick on Jan. 26, and Shane Alderson on Feb. 7.

Two people are vying to replace Commissioner Mark Bennett, who holds the part-time Position 2.

Bennett's term also ends this year, and he, like Harvey, is not seeking reelection.

Christina Witham of Baker City was the first to file, on Dec. 2.

Kody Justus, who lives in Baker Valley, filed for Position 2 on Feb. 7.

The deadline for candidates to file for either commission position is March 8 at 5 p.m. Information about filing is available from the Baker County Clerk's Office in the Courthouse, 1995 Third St. The phone number is 541-523-8207.

In both of the commission races, if one candidate receives more than half the

votes in the May 17 primary, that candidate would be elected.

If none of the candidates receives more than half the votes, the top two candidates would advance to a runoff in the Nov. 8, 2022, general election.

**Position 2 candidates**

Witham owns Oregon Sign Company in Baker City.

Justus, who is a rancher, ran against Bruce Nichols in

the Republican primary for the third commission position in 2016.

(Voters later approved a measure making county commissioner positions nonpartisan, so there are no longer Republican and Democratic primaries.)

Justus lost that race by just 40 or so votes.

**Position 3 candidates**

Johnson is a dispatcher with the Baker County Sheriff's Office.

Garrick, a former member of the Baker 5J School Board, is a self-employed builder and general contractor.

Alderson, a Baker City Council member, owns Baboon Creek Outfitters in Baker City.



**TODAY**  
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28 pages

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| Classified.....B2-B4 | Crossword.....B2 & B4 | Lottery Results.....A2 | Senior Menus.....A2 | Turning Backs.....A2 |
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